

**REMARKS**

Claims 1-12 are pending in the application. Claims 8, 10 and 12 are allowed. Claims 1-4, 6, 7, 9 and 11 are rejected. Claim 5 is objected to but would be allowable if placed in independent form.

***Drawings***

The Examiner objects to the drawings as failing to comply with 37 C.F.R. § 1.84(p)(4) because the reference characters “S1-S8” and “S9-S11” have been used in different figures to designate different steps. Applicants herewith are filing proposed drawing corrections for approval, changing the steps in Fig. 13 to refer to steps “S1A-S8A” and changing the steps in Fig. 17 to refer to steps “S1B-S11B.”

***Claim Rejections - 35 U.S.C. § 112***

Claims 3, 4 and 7 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The Examiner objects to the use of the phrase “such as” arguing that it renders the claim indefinite, in accordance with the standards of MPEP §2173.05(d). Applicants have deleted this language from the claims.

***Claim Rejections - 35 U.S.C. § 102***

Claims 1-3 and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Walker et al. Applicants respectfully traverse this rejection for the following reasons.

The subject matter of claim 1 is a network game unit that connects to a plurality of client machines via a network and runs a network game. As explained at pages 2 and 3 of the present specification, while such network games have advantages, the number of participating players or the number of participating characters may need to be limited. Claim 1 requires the use of a participation accessing device that assesses whether or not to allow applications received by an application receiving device to participate in the network game. Such participation is in accordance with predetermined conditions, such as past achievements (claims 3, 6, 7), or ability of the characters (claim 4). The network game unit of claim 1 includes a participation process executing device which decides whether to enable participation in the network game. Such

participation may include participation “in turn” and may disallow participation after a predetermined number of participants has been reached (claim 2).

Solely to advance prosecution of particular embodiments of the present invention, Applicants have amended independent claim 1 (as well as claims 9 and 11) to include the feature “wherein the network game allows each of the players to bet a gaming value with respect to one or more characters in the network game, and allows each of the players to receive a dividend according to a result of the network game.” This feature can be found, for example, starting at page 20, last paragraph of the present specification through page 21. This feature is distinguishable from Walker et al for the reasons discussed below.

**Walker et al**

As illustrated in Fig. 1 and explained at col. 5, line 10, Walker et al concerns a distributed electronic tournament system 100 with a central controller 102 connected to a number of input/output devices 104, 106. As explained at col. 5, line 57, the preferred embodiment 200 includes process steps for uniquely identifying a player for communication with a central controller via an I/O device and qualifies a player to participate in a particular tournament on the basis of a payment of an entry fee. Subsequent steps further include awarding prizes to a player for achieving a predetermined performance level.

As explained at col. 6, line 21, each player is assigned a unique identifier that relates to basic record data stored in the system on the basis of a registration process 312. In a preferred embodiment, a player must pay an entry fee to the central controller through the I/O device before he is allowed to participate in a tournament. The process for such payment is illustrated in Fig. 4 and disclosed at col. 6, line 43. The Examiner has interpreted the requirement to register and/or pay a tournament fee, as administrated by the central controller in Walker et al, as a participation accessing device that evaluates the registration and payment conditions as “predetermined conditions of participation”.

The Examiner further points to the disclosure at col. 9, lines 48-51 of Walker et al for a teaching that some limitation on the number of players may be applied by establishing a ceiling on participation and restricting tournament registrations to a fixed maximum.

Yet, the present invention as recited in amended claims 1 (and 9 and 11) distinguishes from the disclosure of Walker et al for at least the following reason. In the present invention, as discussed above, these claims recite the feature “wherein the network game *allows* each of the players *to bet* a gaming value with respect to *one or more* characters in the network game, and allows each of the players to receive a dividend according to a result of the network game.” On the other hand, since the Walker et al electronic tournament system is based on the tournament environment, the relationship between the players and the characters in the game must be established in a one-by-one manner. Accordingly, since this feature is not disclosed or suggested by Walker et al, Applicants submit that these claims are allowable. The dependent claims are also allowable for at least this reason, as well as their other claimed features.

***Claim Rejections - 35 U.S.C. § 103***

Claims 4, 6, 7 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker et al in view of Miura (6,322,451). Applicants respectfully traverse this rejection.

The Examiner comments that Walker discloses the claimed invention as noted with regard to claim 1. The Examiner admits that Walker does not teach playing a game with trained characters having changing abilities. The Examiner looks to Miura for a teaching that it is known to provide a multiplayer game using trained characters having changing abilities, particularly with reference to col. 5, line 63 - col. 6, line 7 and col. 9, lines 48-51. The Examiner concludes it would have been obvious for one skilled in the art to modify the network game of Walker et al to have the game played with trained characters having changing abilities, as taught by Miura.

The Walker patent does not consider the ability of the characters that are manipulated by a given player in determining whether or not to admit a player to a tournament. Miura does consider the manipulation of a character’s capabilities but does not teach or suggest that a threshold level of capability would be used to determine whether or not a player can enter a competition. The processing used by Miura is disclosed at col. 8, line 8, but does not contemplate the selection of a character for competition or racing on the basis of capabilities.

Amendment Under 37 CFR 1.111  
U.S. Application No. 09/910,070

Thus, Applicants submit that the subject matter of claim 4 is not anticipated or rendered obvious by either of Walker et al or Miura taken alone or in combination. Applicants have placed claim 4 in independent form.

Claims 6 and 7 have also been placed in independent form. Features of claim 6 have also been amended to more clearly define specific embodiments of the invention. For claim 7, similar to the aforementioned arguments, Applicants submit that ability information of characters is not taught in either reference as a basis for selection.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

*Ronald Kintle* 44,186  
\_\_\_\_\_  
Alan J. Kasper  
Registration No. 25,426  
for

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

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